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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,672	03/09/2001	Hiroki Sugiyama	1035-310	4119

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EXAMINER

VU, KIEU D

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/801,672	Applicant(s) SUGIYAMA ET AL.	
	Examiner Kieu D Vu	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7,9-22,24-30 and 32-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-7,9-22 and 24-30 is/are allowed.
- 6) ☒ Claim(s) 32-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is responsive to the RCE filed 10/7/04
2. Claims 2-7, 9-22, 24-30, and 32-38 are pending.

Claim Objections

3. Claims 36-37 are objected since each claim contains a typographical error.

Claim 36 claims "The image information processing device as defined in claim 34", however, claim 34 claims "image information processing method". Therefore, the word "device" in the preamble of claim 36 should be rewritten as "method".

Similar objection rationale is applied to claim 37.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 32 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter since claim 32 claims "A computer propagated signal embodied in a carrier wave or other digital data transmission medium". As such, the claimed invention is not directed to a machine readable medium or a manufacturer article.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 33-34 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al ("Brown", USP 6356908), Carpenter et al ("Carpenter", USP 5754174), and Shisler et al ("Shisler", USP 6801926).

Regarding claims 33-34 and 36, Brown teaches an image information processing steps, comprising a display (fig. 2); an image information storage (col 6, lines 23-27); a display controller for causing the display means to display sets of detailed information (the left area of window in Fig. 14) and identifier images (thumbnails in the right area of window in Fig. 14) (Fig. 14 and col 8, lines 60-64). Brown teaches that the detailed information includes a plurality of items about this information (URL address, page size, language). Brown does not teach the change in the display order of the detail information and the identifier images. However, such feature is known in the art as taught by Carpenter. Carpenter teaches a system for individually configurable panel interfaces which comprises the change in order of the displays of panel interfaces when the corresponding listing in the configuration menu changes (col 2, lines 4-10; Figures 9-10). Carpenter further teaches the rearranging the display order of the sets of detailed information on the display screen of the display means (Figures 9-10). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Carpenter before him at the time the invention was made, to modify the image information processing device taught by Brown to include the change in display order taught by Carpenter with the motivation being to present information and images in different display orders. Brown and Carpenter do not teach rearranging information is

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automatically performed in response to a manipulation of a displayed item selection button. However, such feature is known in the art as taught by Shisler. Shisler teaches a data processing system having user interface screens for selecting and sequencing selection sort objects (col 18, lines 40-42). Shisler further teaches rearranging information is automatically performed in response to a manipulation of a displayed item selection button (col 18, lines 40-54). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Carpenter, and Shisler before him at the time the invention was made, to apply Shisler's teaching in the system taught by Brown and Carpenter with the motivation being to provide a quick and convenient way in rearranging information.

Regarding claim 37, Shisler further teaches the rearranging information in ascending or descending sort order according to image information size (col 18, lines 40-54).

8. Claims 35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Carpenter, and Hodson et al ("Hodson", USP 5710604).

Regarding claim 35, Brown teaches an image information processing device, comprising a display (fig. 2); an image information storage (col 6, lines 23-27); a display controller for causing the display means to display sets of detailed information (the left area of window in Fig. 14) and identifier images (thumbnails in the right area of window in Fig. 14) (Fig. 14 and col 8, lines 60-64). Brown teaches the displaying images in different colors (col 2, lines 60-63). Brown does not teach the change in the display order of the detail information and the identifier images. However, such feature is known

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in the art as taught by Carpenter. Carpenter teaches a system for individually configurable panel interfaces which comprises the change in order of the displays of panel interfaces when the corresponding listing in the configuration menu changes (col 2, lines 4-10; Figures 9-10). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Carpenter before him at the time the invention was made, to modify the image information processing device taught by Brown to include the change in display order taught by Carpenter with the motivation being to present information and images in different display orders. Brown does not teach each different color corresponds to a particular image information storage region. However, such feature is known in the art as taught by Hodson. Hodson teaches a video memory device wherein each different color corresponds to a particular image information storage region (line 63 of col 2 to line 8 of col 3). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Carpenter, and Hodson before him at the time the invention was made, to modify the image information processing device taught by Brown and Carpenter to include the Hodson's teaching with the motivation being to increase the efficiency and speed of a video memory for displays (Hodson, col 2, lines 47-49).

Regarding claim 38, Hodson teaches each different color corresponds to a particular image information storage region (line 63 of col 2 to line 8 of col 3) which means that the storage region where the image information is originally stored can be identified by the color.

Allowable Subject Matter

9. Claims 2-7, 9-22, 24-30 are allowed.

Claim 32 contains allowable limitation and would be allowable if rewritten to overcome the 101 rejection set forth above.

See Office Action mailed 04/07/04 for reason for allowance.

10. Applicant's arguments 08/09/04 have been fully considered.

Regarding claim 32, the current language of the claim is not sufficient to overcome the non-statutory rejection.

Applicant's representative is encouraged to call the Examiner to discuss about the claim language.

Other arguments are moot under new ground of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu.

The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

703-872-9306

and / or:

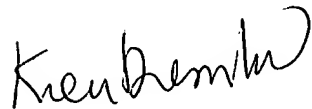
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571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

Patent Examiner

A handwritten signature in black ink, appearing to read "Kieu D. Vu", written in a cursive style.